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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/547,661	04/12/2000		William T. Rowse	200-0053	5848	
28395	7590	12/19/2005		EXAMINER		
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER				OUELLETTE, JONATHAN P		
22ND FLOOR SOUTHFIELD, MI 48075-1238				ART UNIT	PAPER NUMBER	
				3629		

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/547,661	ROWSE ET AL.	
Examiner	Art Unit	
Jonathan Ouellette	3629	

	Jonathan Ouellette	3629						
The MAILING DATE of this communication appear	ars on the cover sheet with the c	orrespondence add	ress					
THE REPLY FILED <u>28 November 2005</u> FAILS TO PLACE THIS	APPLICATION IN CONDITION F	OR ALLOWANCE.						
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in o	idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)					
a) The period for reply expiresmonths from the mailing b) The period for reply expires on: (1) the mailing date of this A	·	in the final rejection, wh	ichever is later. In					
no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (ater than SIX MONTHS from the mailin	g date of the final reject	on.					
TWO MONTHS OF THE FINAL REJECTION. See MPEP 70	TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). xtensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee							
have been filed is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	tension and the corresponding amount thortened statutory period for reply origon than three months after the mailing da	of the fee. The appropr inally set in the final Offi	iate extension fee ce action; or (2) as					
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any extent 	liance with 37 CFR 41.37 must be	filed within two month	ns of the date of					
a Notice of Appeal has been filed, any reply must be filed AMENDMENTS	within the time period set forth in 3	37 CFR 41.37(a).	е арреат. Опісе					
 The proposed amendment(s) filed after a final rejection, l 	out prior to the date of filing a brief.	will not be entered b	ecause					
(a) They raise new issues that would require further co								
(b) They raise the issue of new matter (see NOTE below								
 (c) They are not deemed to place the application in bet appeal; and/or 	ter form for appeal by materially re	ducing or simplifying	the issues for					
(d) They present additional claims without canceling a	corresponding number of finally rej	ected claims.						
NOTE: (See 37 CFR 1.116 and 41.33(a)).			(DTOL 00.4)					
4. The amendments are not in compliance with 37 CFR 1.13		impliant Amendment	(PTOL-324).					
5. Applicant's reply has overcome the following rejection(s)		timely filed amondmy	ent concelling the					
6. Newly proposed or amended claim(s) would be al non-allowable claim(s).								
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proved the status of the claim(s) is (or will be) as follows: Claim(s) allowed:	☑ will not be entered, or b) ☑ will will ded below or appended.	il be entered and an e	explanation of					
Claim(s) allowed Claim(s) objected to:								
Claim(s) rejected: <u>1,4,5,7-14,38,40 and 42-45</u> .								
Claim(s) withdrawn from consideration:								
<u>AFFIDAVIT OR OTHER EVIDENCE</u> 8. ☐ The affidavit or other evidence filed after a final action, bu	t hefore or on the date of filing a N	otice of Anneal will no	nt he entered					
because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).	d sufficient reasons why the affidar	vit or other evidence i	s necessary and					
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessary	overcome all rejections under appe	al and/or appellant fa	ils to provide a					
10. The affidavit or other evidence is entered. An explanatio	n of the status of the claims after e	ntry is below or attac	hed.					
REQUEST FOR RECONSIDERATION/OTHER 11. ☑ The request for reconsideration has been considered but	t does NOT place the application i	n condition for allowa	nce because:					
See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s).	(PTO/SR/08 or PTO-1449) Paper N	No(e)						
13. Other:	(, , 0,00,000 0, , 10-1 1-10) (apel 1	100.						
		JOHN G. WEISS						
	•	John G. Weiss						
	SUTTO	WATER ENGLISH	INER					
	•	1 (TY CENTER 38	00					

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant has made the argument that the sited prior art (www.xactware.com) was not available as printed publically available art at the time the invention was made. However, the Internet Archive Wayback Machine (www.archive.com) is a reference tool used to show proof that a web page was publically available on a sited date range, not as the actually source of prior art.